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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,280	09/18/2003	Arihiro Takeda	1117.68338	5624
7590	12/14/2005			EXAMINER DUONG, THOI V
Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Drive Chicago, IL 60606			ART UNIT 2871	PAPER NUMBER
			DATE MAILED: 12/14/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/665,280	TAKEDA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thoi V. Duong	2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 November 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22,23,26,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22,23,26,34 and 35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 10/047,216.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This office action is in response to the Amendment filed after final on November 28, 2005.

Accordingly, claim 22 was amended, and claims 1-21, 24, 25 and 27-33 were cancelled. Currently, claims 22, 23, 26, 34 and 35 are pending in this application.

### ***Response to Arguments***

2. The final Applicant's arguments filed November 28, 2005, with respect to the rejection(s) of claim(s) 22-26, 24 and 35 have been fully considered and are persuasive. Therefore, the last final rejection has been withdrawn. However, upon further consideration, a new ground(s) of final rejection is made in view of USPN 6,710,837 B1 to Song et al..

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 22, 23, 26, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Song et al. (Song, USPN 6,710,837 B1).

As shown in Figs. 5, 8, 9, 19 and 20, Song discloses a liquid crystal display device comprising:

a first substrate 10 having thereon a pixel electrode 200 in an active element (Fig. 20C and col. 12, lines 1-10);

a second substrate 20 having thereon an opposed electrode 130 (Figs. 19C-19E); and

a liquid crystal layer interposed between said first and second substrates with said electrodes facing each other (col. 12, lines 15-24),

wherein a first orientation control element 270 and 170 extending in a nonparallel direction relative to an extending direction 222 (Figs. 8A, 8B and 9) of an edge of said pixel electrode 200 and a second orientation control element 171 extending in a parallel direction relative to the extending direction 222 of said edge are provided on at least one of said first and second substrates (col. 7, line 46 through col. 8, line 51),

wherein said first orientation control element 270 and 170 is provided on said first and second substrates 10 and 20 respectively (Figs. 19D and 20C),

wherein, at least a part of liquid crystal molecules 3 of said liquid crystal layer at the vertex of said second orientation control element 171 are orientated in a vertical

direction relative to said substrate 20 when voltage is being applied between said pixel and opposed electrodes (see also Figs. 1B and 6 and col. 4, lines 30-39), and

wherein the first orientation control element 270 is a slit formed in said pixel electrode 200 in an oblique direction relative to the extending direction 222 of said edge (Figs. 8A and 8B).

Re claim 23, said second orientation control element 171 is provided on said second substrate 20, and said pixel electrode 200 does not exist on at least a part of a place on said first substrate 200 opposed to said second orientation control element 171 (see portion b in Figs. 8A and 9).

Re claim 26, a dielectric anisotropy of said liquid crystal molecules 3 of said liquid crystal layer is negative (col. 7, lines 5-9).

Re claim 34, said liquid crystal molecules 30 on said second orientation control element 171 are oriented in a non-vertical direction relative to a longitudinal direction of said second orientation control element when no voltage is applied (Fig. 9),

wherein, re claim 35, said liquid crystal molecules 30 on said second orientation control element 171 are oriented in a direction of 45 degrees relative to the longitudinal direction of said second orientation control element (Fig. 9).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2871

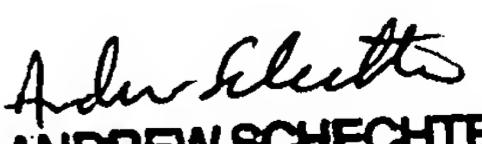
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong 

12/10/2005

  
ANDREW SCHECHTER  
PRIMARY EXAMINER